

FILE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE** 05 APR 25 AM 11:11  
**WESTERN DIVISION**

ROBERT R. DI NOLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

**LAJUANA LEWIS, on behalf of herself  
and all others similarly situated,**

Plaintiff,

v.

Case No. 04-2655-D

**EXXON MOBIL CORPORATION,**

Defendant.

**ORDER DENYING AS MOOT THE MOTION OF DEFENDANT TO DISMISS  
(DOCKET ENTRY 10)**

Before the Court is the September 13, 2004 motion of Exxon Mobil Corporation ("Defendant") to dismiss the complaint of Lajuana Lewis ("Plaintiff"), filed on behalf of herself and all others similarly situated. On February 7, 2005, the Magistrate Judge granted Plaintiff leave to file an amended complaint. Thereafter, on February 25, 2005, Defendant filed a second motion to dismiss as to the first amended complaint. As such, the first motion to dismiss is rendered moot. Accordingly, the Court denies the motion to dismiss as moot.

**IT IS SO ORDERED** this 25 day of April, 2005.

  
**BERNICE BOUIE DONALD**  
**UNITED STATES DISTRICT JUDGE**



## Notice of Distribution

This notice confirms a copy of the document docketed as number 33 in case 2:04-CV-02655 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT